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November 24, 2020

BY ELECTRONIC CASE FILING

Honorable A. Kathleen Tomlinson
United States Magistrate Judge
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722-9014

Re: *McCune v. County of Suffolk, et al.*
Docket No.: 2:14-CV-04431 (JS)(AKT)

Dear Judge Tomlinson:

As you are aware, we are the attorneys representing the Plaintiff in the above referenced matter. This is to respectfully request a 45 day extension of the discovery schedule, currently schedule to end on November 30, 2020, so that we may complete the depositions of Defendants Kurklen and Vohs, and four (4) non-party witnesses: P.O. Hendrickson, LaFemina, Rafferty, and Termine. These individuals possess knowledge and information concerning the actions complained of in the Complaint of this matter. The depositions of Defendants Turansky and Zuccarello have been completed.

While the remaining depositions were noticed, and scheduled to be completed before the close of fact discovery, we have not been able to confirm the availability of Defendants Kurklen and Vohs. Additionally, defense counsel Arlene Zwilling, Esq., is in opposition to Defendant Vohs being deposed. With respect to the depositions of the non-party witnesses, we have been informed that Officer Rafferty is available on 12/03/20, and Officer Hendrickson is available to be deposed on 12/4/2020. However, we have been informed that Officer LaFemina is on military leave, and Officer Termine has retired and resides in Florida.

It is anticipated that the 45 day extension of the discovery schedule will permit Plaintiff

to secure the depositions of Defendants Kurklen and Vohs, and conduct the depositions of non-party witnesses Rafferty and Hendrickson on the dates which we have been informed that they are available. With respect to the deposition of non-party witness LaFemina, due to his military obligation, it will be necessary to postpone his deposition. With respect to the deposition of non-party witness Termine, we will secure the address of this witness so that he may be deposed remotely. Additionally, when considering this request, we respectfully request that the resignation of two (2) members of this office's legal staff, as well as the upcoming holidays be taken into account. Should the Court grant this request, the current discovery schedule will be extended to January 14, 2021.

We thank the Court for its kind consideration.

Respectfully submitted,

/s/ Frederick K. Brewington

FREDERICK K. BREWINGTON

cc: Arlene S. Zwilling, Esq. (via ecf)
FKB:pl